

PRESENT: **HON. DAVID N. HURD**

United States District Court  
for the  
Northern District of New York

U.S. BANK TRUST, N.A. AS TRUSTEE  
FOR LSF8 MASTER PARTICIPATION  
TRUST

Plaintiff

V.

LORI A. DELUCA, ONEIDA COUNTY  
DEPARTMENT OF SOCIAL SERVICES,

Defendant(s)

Civil Action No. 15-cv-412-DNH-ATB  
 )  
 )  
 )  
 )  
 ) ORDER OF VACATUR OF  
 JUDGMENT OF FORECLOSURE AND  
 SALE AND DISCONTINUANCE OF  
 ACTION AND CANCELLATION OF  
 LIS PENDENS

UPON the reading and filing of the Notice of Motion dated September 19, 2016, by Plaintiff's Counsel, Gross Polowy, LLC, Stephen Vargas, Esq., for an Order Discontinuing this Action and Cancelling Lis Pendens,

AND, upon the Affirmation of Stephen Vargas, Esq., dated September 19, 2016, setting forth the basis for the relief requested herein,

AND, after having heard NO ARGUMENT in opposition of said Motion, it is hereby

**ORDERED**, that the Plaintiff's Motion to Vacate Judgment of Foreclosure and Sale and Discontinue Action and Cancel Lis Pendens, is granted in all respects; and it is further

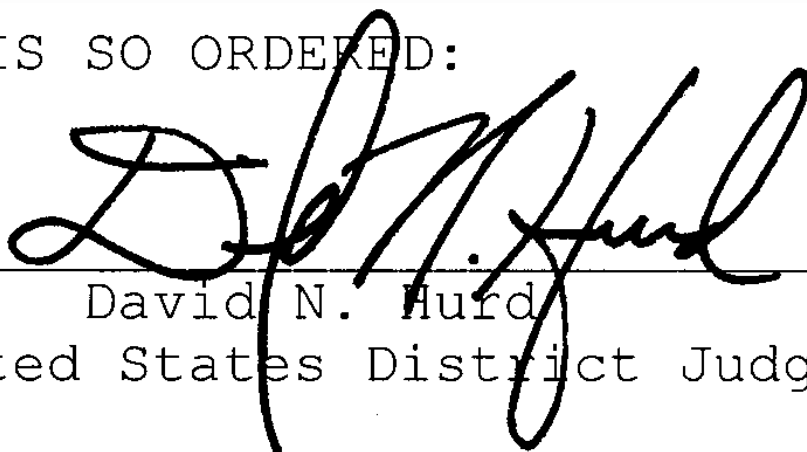
**ORDERED**, that the above entitled action, and all causes of action alleged therein, and any and all counterclaims and cross claims, be and the same hereby are discontinued without costs to either party as against the other; and it is further

**ORDERED**, that the County Clerk of Oneida County is directed, upon payment of proper fees, if any, to cancel and discharge a certain Notice of Pendency filed in this action on the June 29, 2015 and any predecessor filing, against property known as Section 305.20, Block 4, Lot 68 and also known as 14 MYERS AVENUE, YORKVILLE, NY 13495, and said Clerk is hereby directed to enter upon the margin of the record of the same a Notice of Cancellation referring to this Order.

**ORDERED**, that the final Judgment of Foreclosure and Sale duly entered in the Office of the Clerk of the County of Oneida on March 29, 2016 be vacated and set aside; and it is further

**ORDERED**, that the Referee appointed herein to sell, pursuant to the Final Judgment of Foreclosure, be and hereby is relieved and discharged of any and all obligations and requirements thereunder.

IT IS SO ORDERED:

A large, stylized handwritten signature in black ink, appearing to read 'D. N. Hurd', is written over a horizontal line.

David N. Hurd  
United States District Judge

Dated: November 9, 2016  
Utica, NY